	Application No.	Applicant(s)	
Notice of Allowability	09/895,532	WANG, BING	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *08/07/2007*.

2. ☒ The allowed claim(s) is/are *2,3,5-9,12,14-16,18,19,27-29,31-33,35,36,38,40,45-47,49 and 50*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some*   c) ☐ None   of the:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

        3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

        1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

    (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)
1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date *07/25/2007*
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *08/30/07*
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

EXAMINER'S AMENDMENT

1.   An examiner's amendment to the record appears below. Should the changes

and/or additions be unacceptable to applicant, an amendment may be filed as provided

by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be

submitted no later than the payment of the issue fee.

        Authorization for this examiner's amendment was given in a telephone interview

with Ross Dannenberg, Reg. No. 49,024 on 30 August 2007. The proposed

amendment to the claims as suggested by the examiner, and accepted by ROSS

DANNENBERG to the Examiner on 30 August 2007 is presented below.

IN THE CLAIMS

2.   **Claims 1, 4, 10, 11, 13, 17, 20-26, 30, 34, 37, 39, 41-44, and 48** had already

been cancelled without prejudice or disclaimer.

        PROPOSED AMENDMENTS TO THE CLAIMS _

3.   Please amend **claims 14, 15, 16, 18, 45, 46, 47, and 49** as follow.

14. (Currently Amended) A method comprising:

        determining a sender identifier based on a sender of an incoming email;

        determining a cumulative penalty count value associated with said sender

identifier, wherein determining said cumulative penalty count value comprises

assessing a penalty count value to said sender identifier for an undesirable activity

performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and said system overall resource usage status,

wherein said step of processing the incoming e-mail comprises ~~the step of~~

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status, and said operating state is a

number of the group consisting of : a normal operating state, a selective-rejection

operating ~~sate~~ state, and a random-rejection operating state,

wherein, for said selective-rejection state, if said cumulative penalty count value

has a nonzero value, said step of processing the incoming e-mail comprises ~~the steps~~

~~of~~:

specifying a rejection factor;

generating a random number; and

randomly rejecting the incoming e-mail on the basis of said rejection factor

and said random number, and

wherein said step of randomly rejecting comprises ~~the step of~~ accepting the

incoming e-mail if said random number is greater than said rejection factor and rejecting

the incoming e-mail if said random number is not greater than said rejection factor.

15. (Currently Amended) A method comprising:

determining a sender identifier based on a sender of an incoming email;

determining a cumulative penalty count value associated with said sender

identifier, wherein determining said cumulative penalty count value comprises

assessing a penalty count value to said sender identifier for an undesirable activity

performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and said system overall resource usage status,

wherein said step of processing the incoming e-mail comprises the step of

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status, and said operating state is a

number of the group consisting of : a normal operating state, a selective-rejection

operating sate state, and a random-rejection operating state,

wherein, for said selective-rejection state, if said cumulative penalty count value

has a nonzero value, said step of processing the incoming e-mail comprises the steps

of:

specifying a rejection factor;

generating a random number; and

randomly rejecting the incoming e-mail on the basis of said rejection factor

and said random number, and

wherein said step of specifying the rejection factor comprises determining a rejection

factor value based on the system overall resource usage status.

16. (Currently Amended) A method comprising:

determining a sender identifier based on a sender of an incoming email;

determining a cumulative penalty count value associated with said sender

identifier, wherein determining said cumulative penalty count value comprises

assessing a penalty count value to said sender identifier for an undesirable activity

performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and said system overall resource usage status,

wherein said step of processing the incoming e-mail comprises ~~the step of~~

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status, and said operating state is a

number of the group consisting of : a normal operating state, a selective-rejection

operating ~~sate~~ state, and a random-rejection operating state,

wherein, for said random-rejection state, if said cumulative penalty count value

has a nonzero value, said step of processing the incoming e-mail comprises ~~the step of~~

rejecting the incoming e-mail.

18. (Currently Amended) A method comprising:

determining a sender identifier based on a sender of an incoming email;

determining a cumulative penalty count value associated with said sender

identifier, wherein determining said cumulative penalty count value comprises

assessing a penalty count value to said sender identifier for an undesirable activity

performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and said system overall resource usage status,

wherein said step of processing the incoming e-mail comprises ~~the step of~~

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status, and said operating state is a

number of the group consisting of : a normal operating state, a selective-rejection

operating ~~sate~~ state, and a random-rejection operating state,

wherein, for said selective-rejection state, if said cumulative penalty count value

has a zero value, said step of processing the incoming e-mail comprises ~~the steps of~~:

deriving an overall resource usage factor;

generating a random number; and

randomly rejecting the incoming e-mail on the basis of said overall

resource usage factor, said random number, and said cumulative penalty count

value, and

wherein said step of randomly rejecting comprises the step of accepting the

incoming e-mail if said random number is greater than a product of said overall resource

usage factor and said cumulative penalty count value, and rejecting the incoming e-mail

if said random number is not greater than said product of said overall resource usage

factor and said cumulative penalty count value.

Claim 45 (Currently amended): A method comprising:

establishing an identity of a sender of an incoming email;

determining a cumulative penalty count value associated with said identity,

wherein said cumulative penalty count value is based at least in part on previous

undesirable activity performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and the system overall resource usage status,

wherein said step of processing the incoming e-mail comprises ~~the step of~~

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status,

wherein said operating state comprises a selective-rejection state, and wherein if

said cumulative penalty count has nonzero value, said step of processing the incoming

e-mail comprises ~~the steps of~~ :

specifying a rejection factor;

generating a random number; and

randomly rejecting the incoming e-mail on the basis of said rejection factor

and said random number, and

wherein said step of randomly rejecting comprises ~~the step of~~ accepting the

incoming e-mail if said random number is greater than said rejection factor and rejecting

the incoming e-mail if said random number is not greater than said rejection factor.

Claim 46 (Currently amended): A method comprising:

establishing an identity of a sender of an incoming email;

determining a cumulative penalty count value associated with said identity,

wherein said cumulative penalty count value is based at least in part on previous

undesirable activity performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and the system overall resource usage status,

wherein said step of processing the incoming e-mail comprises ~~the step of~~

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status,

wherein said operating state comprises a selective-rejection state, and wherein if

said cumulative penalty count has nonzero value, said step of processing the incoming

e-mail comprises ~~the steps of~~ :

specifying a rejection factor;

generating a random number; and

randomly rejecting the incoming e-mail on the basis of said rejection factor

and said random number, and

wherein said rejection factor is increased if said system overall resource usage status

increases and said rejection factor is decreased if said system overall resource usage

status decreases.

Claim 47 (Currently amended): A method comprising:

establishing an identity of a sender of an incoming email;

determining a cumulative penalty count value associated with said identity,

wherein said cumulative penalty count value is based at least in part on previous

undesirable activity performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and the system overall resource usage status,

wherein said step of processing the incoming e-mail comprises the step of

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status,

wherein said operating state comprises a random-rejection state, and wherein if

said cumulative penalty count value has a nonzero value, said step of processing the

incoming e-mail comprises the step of rejecting the incoming e-mail.

Claim 49 (Currently amended): A method comprising:

establishing an identity of a sender of an incoming email;

determining a cumulative penalty count value associated with said identity,

wherein said cumulative penalty count value is based at least in part on previous

undesirable activity performed by the sender;

retrieving a system overall resource usage status associated with the

communication device; and

processing the incoming e-mail on the basis of said cumulative penalty count

value and the system overall resource usage status,

wherein said step of processing the incoming e-mail comprises ~~the step of~~

assigning an operating state to the communication device, said operating state being a

function of said system overall resource usage status,

wherein said operating state comprises a selective-rejection state, and wherein if

said cumulative penalty count has zero value, said step of processing the incoming e-

mail comprises ~~the steps of~~ :

specifying a rejection factor;

generating a random number; and

randomly rejecting the incoming e-mail on the basis of said rejection factor

and said random number, and

wherein said step of randomly rejecting comprises ~~the step of~~ accepting the

incoming e-mail if said random number is greater than a product of said resource usage

factor and said cumulative penalty count value, and rejecting the incoming e-mail if said

random number is not greater than said product of said resource usage factor and said

cumulative penalty count value.

Allowed claims

4.   Please allow **claims 2, 3, 5-9, 12, 14-16, 18, 19, 27-29, 31-33, 35, 36, 38, 40, 45-**

47, 49 and 50

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached between the hours of 9:00 AM to 6:00 PM daily.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
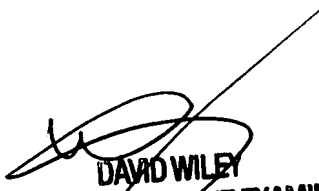
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Patent Examiner

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JJG

August 30, 2007

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